

Applicants traverse the restriction requirement on the grounds that no serious burden on the Examiner exists. If the search and examination of an entire application can be made without serious burden, it must be examined on the merits even though it includes claims directed to distinct or independent invention. M.P.E.P. § 803. The subject matter of Groups I, II and III are believed sufficiently related that a thorough search for the subject matter of any one group would encompass a search for the subject matter of all groups. To avoid duplicative examination by the Patent Office and unnecessary delay and expense to Applicant, Applicant respectfully requests examination on the merits of all the claims, not just those of Group I.

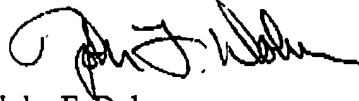
Furthermore, Applicant submits that if a determination of an allowable generic claim is issued, for instance the determination of allowability of claims 1, 50 and 99 in the present application, claims that are written in dependant form or otherwise include all the limitations of the allowed generic claim should be considered. M.P.E.P. § 809.02(c). Therefore, the Applicant respectfully requests that the Examiner consider rejoining the method claims of Group II and III upon a finding of allowability of the claims of Group I.

Finally, it is to be understood that the election of species in the present response is for the sole purpose of the Examiner's initial search and examination, and that upon allowance of a generic claim, all species encompassed by that claim will then be examined. M.P.E.P. § 809.02(c). Therefore, Applicant respectfully requests that the search be conducted pursuant to Markush practice thereby providing for the inclusion of all species included in the generic claim and all claims dependent thereon.

Application No. 09/796,170

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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Please grant any extension of time necessary for entry, charge any fee due to Deposit Account No. 06-1910.

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I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. (703) 872-9306 on the date shown below.

August 16, 2004
Date of Deposit


John R. Krueger